

## REFERENCES IN TEXT

This part, referred to in text, was in the original “this Act”, meaning Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which is classified principally to this part. For complete classification of this Act to the Code, see Short Title note set out under section 460I-4 of this title and Tables.

Section 460I-6a(i)(1) of this title, referred to in text, was repealed, with the exception of subpar. (C) of subsec. (i)(1), by Pub. L. 108-447, div. J, title VIII, §813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109-54, title I, §132(a), Aug. 2, 2005, 119 Stat. 526.

## AMENDMENTS

1987—Pub. L. 100-203 amended last sentence generally. Prior to amendment, last sentence read as follows: “Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.”

**§ 460I-6a. Admission and special recreation use fees**

**(a) to (g). Repealed. Pub. L. 108-447, div. J, title VIII, §813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109-54, title I, §132(a), Aug. 2, 2005, 119 Stat. 526**

**(h) Repealed. Pub. L. 104-66, title I, §1081(f), Dec. 21, 1995, 109 Stat. 721**

**(i) Covering of fees collected into special account for agency established in Treasury**

(1)(A), (B) Repealed. Pub. L. 108-447, div. J, title VIII, §813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109-54, title I, §132(a), Aug. 2, 2005, 119 Stat. 526.

(C) UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

(i) WITHHOLDING OF AMOUNTS.—Notwithstanding section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (16 U.S.C. 460I-6a note; Public Law 105-83), the Secretary of the Interior shall withhold from the special account under section 6806(a) of this title 100 percent of the fees and charges collected in connection with any unit of the National Park System at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

(ii) USE OF AMOUNTS.—Amounts withheld under clause (i) shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary for the unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.

(2) to (4) Repealed. Pub. L. 108-447, div. J, title VIII, §813(a), Dec. 8, 2004, 118 Stat. 3390, as amended by Pub. L. 109-54, title I, §132(a), Aug. 2, 2005, 119 Stat. 526.

**(j) Funds available to National Park Service; required allocations; computations; unexpended funds**

(1) 10 percent of the funds made available to the Director of the National Park Service under

subsection (i) of this section in each fiscal year shall be allocated among units of the National Park System on the basis of need in a manner to be determined by the Director.

(2) 40 percent of the funds made available to the Director of the National Park Service under subsection (i) of this section in each fiscal year shall be allocated among units of the National Park System in accordance with paragraph (3) of this subsection and 50 percent shall be allocated in accordance with paragraph (4) of this subsection.

(3) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the operating expenses at that unit during the prior fiscal year by the total operating expenses at all units during the prior fiscal year.

(4) The amount allocated to each unit under this paragraph for each fiscal year shall be a fraction of the total allocation to all units under this paragraph. The fraction for each unit shall be determined by dividing the user fees and admission fees collected under this section at that unit during the prior fiscal year by the total of user fees and admission fees collected under this section at all units during the prior fiscal year.

(5) Amounts allocated under this subsection to any unit for any fiscal year and not expended in that fiscal year shall remain available for expenditure at that unit until expended.

**(k) Selling of permits and collection of fees by volunteers at designated areas; collecting agency duties; surety bonds; selling of annual admission permits by public and private entities under arrangements with collecting agency head**

When authorized by the head of the collecting agency, volunteers at designated areas may sell permits and collect fees authorized or established pursuant to this section. The head of such agency shall ensure that such volunteers have adequate training regarding—

(1) the sale of permits and the collection of fees,

(2) the purposes and resources of the areas in which they are assigned, and

(3) the provision of assistance and information to visitors to the designated area.

The Secretary shall require a surety bond for any such volunteer performing services under this subsection. Funds available to the collecting agency may be used to cover the cost of any such surety bond. The head of the collecting agency may enter into arrangements with qualified public or private entities pursuant to which such entities may sell (without cost to the United States) annual admission permits (including Golden Eagle Passports) at any appropriate location. Such arrangements shall require each such entity to reimburse the United States for the full amount to be received from the sale of such permits at or before the agency delivers the permits to such entity for sale.

**(l) Charge for transportation provided by National Park Service for viewing National Park System units; charge in lieu of admission fee; maximum charge; apportionment and expenditure of charges**

(1) Where the National Park Service provides transportation to view all or a portion of any unit of the National Park System, the Director may impose a charge for such service in lieu of an admission fee under this section. The charge imposed under this paragraph shall not exceed the maximum admission fee under subsection (a)<sup>1</sup> of this section.

(2) Notwithstanding any other provision of law, half of the charges imposed under paragraph (1) shall be retained by the unit of the National Park System at which the service was provided. The remainder shall be covered into the special account referred to in subsection (i)<sup>1</sup> of this section in the same manner as receipts from fees collected pursuant to this section. Fifty percent of the amount retained shall be expended only for maintenance of transportation systems at the unit where the charge was imposed. The remaining 50 percent of the retained amount shall be expended only for activities related to resource protection at such units.

**(m) Admission fee at National Park System units where primary public access is provided by concessioner; maximum fee**

Where the primary public access to a unit of the National Park System is provided by a concessioner, the Secretary may charge an admission fee at such units only to the extent that the total of the fee charged by the concessioner for access to the unit and the admission fee does not exceed the maximum amount of the admission fee which could otherwise be imposed under subsection (a)<sup>1</sup> of this section.

**(n) Commercial tour use fees**

(1) In the case of each unit of the National Park System for which an admission fee is charged under this section, the Secretary of the Interior shall establish, by October 1, 1993, a commercial tour use fee to be imposed on each vehicle entering the unit for the purpose of providing commercial tour services within the unit. Fee revenue derived from such commercial tour use fees shall be deposited into the special account established under subsection (i)<sup>1</sup> of this section.

(2) The Secretary shall establish the amount of fee per entry as follows:

- (A) \$25 per vehicle with a passenger capacity of 25 persons or less, and
- (B) \$50 per vehicle with a passenger capacity of more than 25 persons.

(3) The Secretary may periodically make reasonable adjustments to the commercial tour use fee imposed under this subsection.

(4) The commercial tour use fee imposed under this subsection shall not apply to either of the following:

- (A) Any vehicle transporting organized school groups or outings conducted for educational purposes by schools or other bona fide educational institutions.

(B) Any vehicle entering a park system unit pursuant to a contract issued under the Act of October 9, 1965 (16 U.S.C. 20–20g)<sup>1</sup> entitled “An Act relating to the establishment of concession policies in the areas administered by the National Park Service and for other purposes.”

(5)(A) The provisions of this subsection shall apply to aircraft entering the airspace of units of the National Park System identified in section 2(b) and section 3 of Public Law 100–91 for the specific purpose of providing commercial tour services within the airspace of such units.

(B) The provisions of this subsection shall also apply to aircraft entering the airspace of other units of the National Park System for the specific purpose of providing commercial tour services if the Secretary determines that the level of such services is equal to or greater than the level at those units of the National Park System specified in subparagraph (A).

(Pub. L. 88–578, title I, § 4, as added Pub. L. 92–347, § 2, July 11, 1972, 86 Stat. 459; amended Pub. L. 93–81, § 1, 2, Aug. 1, 1973, 87 Stat. 178, 179; Pub. L. 93–303, § 1, June 7, 1974, 88 Stat. 192; Pub. L. 96–344, § 9, Sept. 8, 1980, 94 Stat. 1135; Pub. L. 100–203, title V, § 5201(a)–(c), Dec. 22, 1987, 101 Stat. 1330–263, 1330–264; Pub. L. 103–66, title V, § 5001(b), title X, §§ 10001, 10002, Aug. 10, 1993, 107 Stat. 379, 402, 403; Pub. L. 103–437, § 6(p)(1), Nov. 2, 1994, 108 Stat. 4586; Pub. L. 104–66, title I, § 1081(f), Dec. 21, 1995, 109 Stat. 721; Pub. L. 105–327, § 1, Oct. 30, 1998, 112 Stat. 3055; Pub. L. 108–447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390; Pub. L. 109–54, title I, § 132(a), (b), Aug. 2, 2005, 119 Stat. 526.)

REFERENCES IN TEXT

Subsections (a) and (i) (except par. (1)(C)) of this section, referred to in subsecs. (l) to (n), were repealed by Pub. L. 108–447, div. J, title VIII, § 813(a), Dec. 8, 2004, 118 Stat. 3390.

Act of October 9, 1965, referred to in subsec. (n)(4)(B), is Pub. L. 89–249, Oct. 9, 1965, 79 Stat. 969, known as the National Park System Concessions Policy Act, which was classified generally to subchapter IV (§ 20 et seq.) of this chapter, prior to repeal by Pub. L. 105–391, title IV, § 415(a), Nov. 13, 1998, 112 Stat. 3515.

Public Law 100–91, referred to in subsec. (n)(5)(A), is set out as a note under section 1a–1 of this title.

PRIOR PROVISIONS

A prior section 4 of Pub. L. 88–578 was renumbered section 5 and is classified to section 4601–7 of this title.

AMENDMENTS

2005—Pub. L. 109–54, § 132(a), amended Pub. L. 108–447, § 813(a). See 2004 Amendment notes below.

Subsec. (i)(1)(C)(i). Pub. L. 109–54, § 132(b), substituted “Notwithstanding section 107” for “Notwithstanding subparagraph (A), section 315(c) of section 101(c) of the Omnibus Consolidated Recissions and Appropriations Act of 1996 (16 U.S.C. 4601–6a note; Public Law 104–134), or section 107” and “account under section 6806(a) of this title” for “account under subparagraph (A)”.

2004—Subsecs. (a) to (g). Pub. L. 108–447, § 813(a), as amended by Pub. L. 109–54, § 132(a), struck out subsec. (a) relating to admission fees, Golden Eagle and Golden Age Passports, and permits, subsec. (b) relating to recreation use fees, collection, campgrounds at lakes or reservoirs, and fees for Golden Age passport permittees, subsec. (c) relating to special recreation permits, subsec. (d) relating to criteria, posting, and uniformity of fees, subsec. (e) relating to establishment of rules and

<sup>1</sup> See References in Text note below.

regulations, enforcement powers, and penalty for violations, subsec. (f) relating to contracts with any public or private entity to provide visitor registration services, and subsec. (g) relating to effect on Federal and State laws.

Subsec. (i). Pub. L. 108-447, §813(a), as amended by Pub. L. 109-54, §132(a), struck out subsec. (i), relating to covering fees collected into special account for agency established in Treasury, covered agencies, availability of funds, and allocation of National Park Service funds, except for paragraph (1)(C), relating to units at which entrance fees or admissions fees cannot be collected.

1998—Subsec. (i)(1)(C). Pub. L. 105-327 added subpar. (C).

1995—Subsec. (h). Pub. L. 104-66 struck out subsec. (h) which read as follows: "Periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data, shall be coordinated and compiled by the Bureau of Outdoor Recreation and transmitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such reports, which shall be transmitted no later than March 31 annually, shall include any recommendations which the Bureau may have with respect to improving this aspect of the land and water conservation fund program."

1994—Subsec. (h). Pub. L. 103-437 substituted "Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate" for "Committees on Interior and Insular Affairs of the United States House of Representatives and United States Senate".

1993—Subsec. (a). Pub. L. 103-66, §10001(a), in first sentence inserted "or National Conservation Areas" after "National Park System" and ", National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use" after "National Recreation Areas" and inserted new second sentence defining "area of concentrated public use".

Subsec. (a)(1)(A). Pub. L. 103-66, §10002(d), (e), designated existing provisions as cl. (i), substituted "The annual permit shall be valid for a period of 12 months from the date the annual fee is paid" for "The annual permit shall be valid during the calendar year for which the annual fee is paid", and added cl. (ii).

Subsec. (a)(4). Pub. L. 103-66, §10001(b), substituted "for a one-time charge of \$10" for "without charge".

Subsec. (b). Pub. L. 103-66, §10002(a)(1), in first sentence, substituted "or toilet facilities, nor shall there be any such charge solely for the use of picnic tables: *Provided*, That in no event shall there be a charge for the use of any campground not having a majority of the following: tent or trailer spaces, picnic tables, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted)." for "toilet facilities, picnic tables, or boat ramps: *Provided, however*, That a fee shall be charged for boat launching facilities only where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided: *And provided further*, That in no event shall there be a charge for the use of any campground not having the following—tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the Federal agency operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted).", and inserted new second sentence defining "specialized outdoor recreation sites".

Pub. L. 102-66, §§5001(b) and 10002(a)(2), amended subsec. (b) identically, striking out second sentence which read as follows: "At each lake or reservoir under the jurisdiction of the Corps of Engineers, United States Army, where camping is permitted, such agency shall

provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no charge shall be imposed."

Subsec. (i)(1). Pub. L. 103-66, §10002(b), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (n). Pub. L. 103-66, §10002(c), added subsec. (n).

1987—Subsec. (a)(1). Pub. L. 100-203, §5201(a)(1), (2), designated existing provisions as subpar. (A) and substituted "\$25" for "\$10", and added subpar. (B).

Subsec. (a)(2). Pub. L. 100-203, §5201(a)(3), inserted at end "The fee for a single-visit permit at any designated area applicable to those persons entering by private, noncommercial vehicle shall be no more than \$5 per vehicle. The single-visit permit shall admit the permittee and all persons accompanying him in a single vehicle. The fee for a single-visit permit at any designated area applicable to those persons entering by any means other than a private noncommercial vehicle shall be no more than \$3 per person. Except as otherwise provided in this subsection, the maximum fee amounts set forth in this paragraph shall apply to all designated areas."

Subsec. (a)(3). Pub. L. 100-203, §5201(a)(4), inserted at end "Notwithstanding any other provision of this part, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations."

Subsec. (a)(6) to (12). Pub. L. 100-203, §5201(a)(5), added pars. (6) to (12).

Subsec. (f). Pub. L. 100-203, §5201(b), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees which are collected by any Federal agency shall be covered into a special account in the Treasury of the United States to be administered in conjunction with, but separate from, the revenues in the Land and Water Conservation Fund: *Provided*, That the head of any Federal agency, under such terms and conditions as he deems appropriate, may contract with any public or private entity to provide visitor reservation services; and any such contract may provide that the contractor shall be permitted to deduct a commission to be fixed by the agency head from the amount charged the public for providing such services and to remit the net proceeds therefrom to the contracting agency. Revenues in the special account shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected: *Provided, however*, That not more than forty per centum of the amount so credited may be appropriated during the five fiscal years following the enactment of this Act for the enhancement of the fee collection system established by this section, including the promotion and enforcement thereof."

Subsecs. (i) to (m). Pub. L. 100-203, §5201(c), added subsecs. (i) to (m).

1980—Subsec. (a)(2). Pub. L. 96-344, §9(1), substituted provision defining "single visit" as a more or less continuous stay within a designated area and providing that payment of a single visit admission authorizes exits from and reentries to a single designated area for a period of from one to fifteen days, such period to be determined by the administering Secretary, for provision defining "single visit" as the length of time a visitor remained within the exterior boundary of a designated fee area beginning from the first day he entered until he left, except that on the same day the admission fee was paid, the visitor could leave and reenter without paying an additional admission fee.

Subsec. (a)(5). Pub. L. 96-344, §9(2), added par. (5).

Subsec. (b). Pub. L. 96-344, §9(3), inserted ", or permittee under paragraph (5) of subsection (a) of this section," after "Passport permittee".

1974—Subsec. (a). Pub. L. 93-303, §1(b), inserted “which are operated and maintained by a Federal agency and” after “areas”.

Subsec. (a)(1). Pub. L. 93-303, §1(c), among other changes, substituted “The permittee” for “Any person purchasing the annual permit”, inserted provisions authorizing the permittee and his spouse, children, and parents accompanying him to enter an area where entry is by any means other than private, noncommercial vehicles, changed provisions which relate to the purchase of the annual permit to allow its sale at any designated area instead of through the offices of the Secretary of the Interior and the Secretary of Agriculture, through all post offices of the first- and second-class, and at such other offices as the Postmaster General directed, and struck out provisions which empowered the Secretary of the Interior to transfer to the Postal Service from the permit receipts such funds as are adequate to reimburse the Postal Service for the cost of the service.

Subsec. (a)(2). Pub. L. 93-303, §1(d), struck out “or who enter such an area by means other than by private, noncommercial vehicle” after “annual permit” in first sentence. See subsec. (a)(1) of this section.

Subsec. (a)(4). Pub. L. 93-303, §1(e), substituted “a lifetime admission permit” for “an annual entrance permit”, limited the issuance of this permit to citizens of, or persons domiciled in the United States, and inserted provisions to allow the permittee and his spouse and children accompanying him to enter an area which entry is by any means other than private, noncommercial vehicle.

Subsec. (b). Pub. L. 93-303, §1(f), (g), among other changes, substituted “daily recreation use fee” for “special recreation use fees”, authorized a fee for boat launching facilities where specialized facilities or services such as mechanical or hydraulic boat lifts or facilities are provided, required the Corps of Engineers to provide at least one primitive campground where no charge shall be imposed at each lake or reservoir under its jurisdiction, incorporated provisions formerly in subsec. (b)(1) allowing any Golden Age Passport permittee to utilize the recreation facilities at a rate of 50 percent of the established use fee, struck out the remainder of former subsec. (b)(1) which related to determination of daily use fees for overnight occupancy, and redesignated former subsec. (b)(2) as (c).

Subsec. (c). Pub. L. 93-303, §1(g), redesignated subsec. (b)(2) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 93-303, §1(g), (h), redesignated subsec. (c) as (d), and substituted therein “a fee has been established pursuant to this section” for “an admission fee or special recreation use fee has been established”.

Subsec. (e). Pub. L. 93-303, §1(g), (i), redesignated subsec. (d) as (e), and substituted therein “collection of any fee established pursuant to this section” for “collection of any entrance fee and/or special recreation use fee, as the case may be”.

Subsec. (f). Pub. L. 93-303, §1(g), (j), redesignated subsec. (e) as (f), and inserted provisions therein empowering the head of any Federal agency to contract with any public or private entity to provide visitor reservation services.

Subsecs. (g), (h). Pub. L. 93-303, §1(g), redesignated subsecs. (f) and (g) as (g) and (h), respectively.

1973—Subsec. (a)(2). Pub. L. 93-81, §2, inserted definition of “single visit”.

Subsec. (b). Pub. L. 93-81, §1, inserted in opening paragraph the proviso that there shall be no charge for the day use or recreational use of facilities such as picnic areas, boat ramps, where no mechanical or hydraulic equipment is provided, drinking water, wayside exhibits, roads, trails, overlook sites, visitors’ centers, scenic drives and toilet facilities and that no fee be charged for access to or use of campground not having flush restrooms, showers, access and circulatory roads, sanitary disposal stations, visitor protection control, designated tent or trailer spaces, refuse containers and potable water.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-54, title I, §132(d), Aug. 2, 2005, 119 Stat. 526, provided that: “This section [amending this section and section 6812 of this title and enacting provisions set out as a note under this section] and the amendments made by this section take effect as of December 8, 2004.”

#### SAVINGS PROVISION FOR 2004 AMENDMENT

For authority of Secretary to continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under this section until Dec. 19, 2006, see section 6812(a) of this title.

#### CONSTRUCTION

Pub. L. 109-54, title I, §132(c), Aug. 2, 2005, 119 Stat. 526, provided that: “Except as provided in this section [amending this section and section 6812 of this title and enacting provisions set out as a note under this section], section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section [Pub. L. 108-447, amending this section]) had not been enacted.”

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with rights-of-way across recreation lands issued under this part and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this part with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

#### NATIONAL PARK SERVICE ENTRANCE AND RECREATIONAL USE FEES

Pub. L. 106-176, title III, §310, Mar. 10, 2000, 114 Stat. 34, provided that:

“(a) The Secretary of the Interior is authorized to retain and expend revenues from entrance and recreation use fees at units of the National Park System where such fees are collected under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a), notwithstanding the provisions of section 4(i) of such Act. Fees shall be retained and expended in the same manner and for the same purposes as provided under the Recreational Fee Demonstration Program (section 315 of Public Law 104-134, as amended (16 U.S.C. 4601-6a note)[)].

“(b) Nothing in this section shall affect the collection of fees at units of the National Park System designated as fee demonstration projects under the Recreational Fee Demonstration Program.

“(c) The authorities in this section shall expire upon the termination of the Recreational Fee Demonstration Program.”

## RECREATION USER FEES

Pub. L. 106-53, title II, §225, Aug. 17, 1999, 113 Stat. 297, provided that:

“(a) WITHHOLDING OF AMOUNTS.—

“(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary [of the Army] may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of \$34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 4601-6a(b)).

“(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

“(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

“(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

“(1) repair and maintenance projects (including projects relating to health and safety);

“(2) interpretation;

“(3) signage;

“(4) habitat or facility enhancement;

“(5) resource preservation;

“(6) annual operation (including fee collection);

“(7) maintenance; and

“(8) law enforcement related to public use.

“(c) AVAILABILITY.—Each amount withheld by the Secretary [of the Army] shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.”

## RECREATIONAL FEE DEMONSTRATION PROGRAM

Pub. L. 108-447, div. E, title III, §319, Dec. 8, 2004, 118 Stat. 3097, provided that: “A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended [Pub. L. 104-134, title I, §101(c), formerly set out below], shall not result in—

“(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency; and

“(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

“(A) the private sector provider fails to bid on such opportunities;

“(B) the private sector provider terminates its relationship with the agency; or

“(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-108, title III, §319, Nov. 10, 2003, 117 Stat. 1306.

Pub. L. 108-7, div. F, title III, §319, Feb. 20, 2003, 117 Stat. 274.

Pub. L. 107-63, title III, §325, Nov. 5, 2001, 115 Stat. 470.

Pub. L. 106-291, title III, §334, Oct. 11, 2000, 114 Stat. 997.

Pub. L. 106-113, div. B, §1000(a)(3) [title III, §344], Nov. 29, 1999, 113 Stat. 1535, 1501A-203.

Pub. L. 105-83, title I, §107, Nov. 14, 1997, 111 Stat. 1561, provided that: “In fiscal year 1998 and thereafter, for those years in which the recreation fee demonstration program authorized in Public Law 104-134 [set out below] is in effect, the fee collection support authority provided in 16 U.S.C. 4601-6(i)(1)(B) applies only to parks not included in the fee demonstration program, and that the amount retained under this authority to cover fee collection costs will not exceed those costs at the non-demonstration parks, or 15 percent of all fees collected at non-demonstration parks in a fiscal year whichever is less. Fee collection costs for parks included in the fee demonstration program will be covered by the fees retained at those parks.”

Pub. L. 104-134, title I, §101(c) [title III, §315], Apr. 26, 1996, 110 Stat. 1321-156, 1321-200; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, as amended by Pub. L. 104-208, div. A, title I, §101(d) [title I, title III, §319], Sept. 30, 1996, 110 Stat. 3009-181, 3009-187, 3009-223; Pub. L. 105-18, title II, §5001, June 12, 1997, 111 Stat. 181; Pub. L. 105-83, title III, §320, Nov. 14, 1997, 111 Stat. 1596; Pub. L. 105-277, div. A, §101(e) [title III, §327], Oct. 21, 1998, 112 Stat. 2681-231, 2681-291; Pub. L. 106-291, title III, §336, Oct. 11, 2000, 114 Stat. 997; Pub. L. 107-63, title III, §312, Nov. 5, 2001, 115 Stat. 466; Pub. L. 108-108, title III, §332, Nov. 10, 2003, 117 Stat. 1309; Pub. L. 108-447, div. E, title III, §331, Dec. 8, 2004, 118 Stat. 3099, directed the Secretary of the Interior and Secretary of Agriculture to implement fee programs to demonstrate the feasibility of user-generated cost recovery for operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands and to establish various requirements for carrying out the pilot programs, prior to repeal by Pub. L. 108-447, div. J, title VIII, §813(b), Dec. 8, 2004, 118 Stat. 3390.

## STUDY TO ASSESS TRAFFIC CONGESTION AND OVERCROWDING AT CERTAIN PARK SYSTEM UNITS

Pub. L. 100-203, title V, §5201(e), Dec. 22, 1987, 101 Stat. 1330-267, directed Secretary of the Interior to assess extent to which traffic congestion and overcrowding occurs at certain park system units during times of seasonally high usage and to conduct a study of (A) feasibility of reducing vehicular traffic within national park system units through fee reductions for visitors traveling by bus and through other means which could shift visitation from automobiles to buses, and (B) feasibility of encouraging more even seasonal distribution of visitation, with study to include a pilot project to be carried out in Yosemite National Park, and a report containing results of study to be transmitted to Committee on Interior and Insular Affairs of House of Representatives and to Committee on Energy and Natural Resources of Senate within 3 years after Dec. 22, 1987.

## PROHIBITION ON ENTRANCE FEE AT STATUE OF LIBERTY NATIONAL MONUMENT

Pub. L. 100-55, June 19, 1987, 101 Stat. 371, provided: “That, notwithstanding any other provision of law, after the date of enactment of this Act [June 19, 1987], the Secretary of the Interior shall not charge any entrance or admission fee at the Statue of Liberty National Monument, New Jersey and New York.”

## ESTABLISHMENT AND COLLECTION OF USE OR ROYALTY FEES FOR MANUFACTURE, REPRODUCTION, OR USE OF “GOLDEN EAGLE INSIGNIA”

Pub. L. 92-347, §3(a), July 11, 1972, 86 Stat. 461, provided that: “The Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of ‘The Golden Eagle Insignia’, originated by the Department of the Interior and announced in the December 3, 1970, issue of the Federal

Register (35 Federal Register 18376) as the official symbol for Federal recreation areas designated for recreation fee collection. Any fees collected pursuant to this subsection shall be covered into the Land and Water Conservation Fund.”

**TERMINATION OF RIGHTS IN “GOLDEN EAGLE INSIGNIA”**

Pub. L. 92–347, §3(d), July 11, 1972, 86 Stat. 462, provided that: “The rights in ‘The Golden Eagle Insignia’ under this Act [which enacted this section and section 715 of title 18, enacted notes set out hereunder, and repealed note set out under section 4601–5 of this title], shall terminate if the use by the Secretary of the Interior of ‘The Golden Eagle Insignia’ is abandoned. Non-use for a continuous period of two years shall constitute abandonment.”

**§ 4601–6b. Repealed. Pub. L. 100–203, title V, § 5201(d)(2), Dec. 22, 1987, 101 Stat. 1330–267**

Section, Pub. L. 96–87, title IV, § 402, Oct. 12, 1979, 93 Stat. 666; Pub. L. 96–487, title II, § 202(3)(a), Dec. 2, 1980, 94 Stat. 2382, prohibited entrance or admission fees in excess of amounts in effect Jan. 1, 1979, at any unit of National Park System and user fees for transportation services and facilities in Denali National Park, Alaska.

**§ 4601–6c. Admission, entrance, and recreation fees**

**(a) Definitions**

As used in this section:

**(1) Area of concentrated public use**

The term “area of concentrated public use” means an area administered by the Secretary that meets each of the following criteria:

- (A) The area is managed primarily for outdoor recreation purposes.
- (B) Facilities and services necessary to accommodate heavy public use are provided in the area.
- (C) The area contains at least 1 major recreation attraction.
- (D) Public access to the area is provided in such a manner that admission fees can be efficiently collected at 1 or more centralized locations.

**(2) Boat launching facility**

The term “boat launching facility” includes any boat launching facility, regardless of whether specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities, are provided.

**(3) Campground**

The term “campground” means any campground where a majority of the following amenities are provided, as determined by the Secretary:

- (A) Tent or trailer spaces.
- (B) Drinking water.
- (C) An access road.
- (D) Refuse containers.
- (E) Toilet facilities.
- (F) The personal collection of recreation use fees by an employee or agent of the Secretary.
- (G) Reasonable visitor protection.
- (H) If campfires are permitted in the campground, simple devices for containing the fires.

**(4) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(b) Authority to impose fees**

The Secretary may charge—

- (1) admission or entrance fees at national monuments, national volcanic monuments, national scenic areas, and areas of concentrated public use administered by the Secretary; and
- (2) recreation use fees at lands administered by the Secretary in connection with the use of specialized outdoor recreation sites, equipment, services, and facilities, including visitors’ centers, picnic tables, boat launching facilities, and campgrounds.

**(c) Amount of fees**

The amount of the admission, entrance, and recreation fees authorized to be imposed under this section shall be determined by the Secretary.

(Pub. L. 103–66, title I, § 1401, Aug. 10, 1993, 107 Stat. 331.)

**CODIFICATION**

Section was enacted as part of the Agricultural Reconciliation Act of 1993 and as part of the Omnibus Budget Reconciliation Act of 1993, and not as part of the Land and Water Conservation Fund Act of 1965 which comprises this part.

**§ 4601–6d. Commercial filming**

**(a) Commercial filming fee**

The Secretary of the Interior and the Secretary of Agriculture (hereafter individually referred to as the “Secretary” with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

- (1) The number of days the filming activity or similar project takes place on Federal land under the Secretary’s jurisdiction.
- (2) The size of the film crew present on Federal land under the Secretary’s jurisdiction.
- (3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

**(b) Recovery of costs**

The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a) of this section.

**(c) Still photography**

(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.